

The Town Board of the Town of Spafford assembled at the Spafford Town Hall, 1984 Route 174, Skaneateles, New York.

PRESENT: Supervisor Christopher Kozub, Councilor Christine Fesko, Councilor Dave Venezia, Councilor Luke DeWitt, and Councilor Cherry Randall.

ALSO PRESENT: Highway Superintendent Eric Fordock, Town Clerk Lisa Valletta, Code Officer Howard Tanner, Accountant Thomas Chartrand and Town Attorney Nicholas Cortese.

Supervisor Kozub called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

MINUTES

A motion to accept the minutes of the September 8, September 22, and September 29, 2016 Town Board meetings as submitted was made by Councilor Fesko, seconded by Councilor DeWitt. The motion PASSED: AYES- 5, NAYS- 0.

CODE OFFICER'S REPORT

Mr. Tanner's reported on the following activity for March/April 2016:

- Permits Issued
 - 1311 Richard Road – new residence
 - 3170 Rocky Falls Circle – new residence
 - 1007 Grays Landing Road – addition to residence
 - 1149 East Lake Road – demolition of residence
 - 2769 Nunnery Road – temporary housing
 - 1848 Collard Road – new residence—*pending*
 - 1733 Shady Bend Lane – home repairs
 - 945 Bacon Hill Road – roof-mounted solar panels
 - 2445 East Lake Road – demolition of camp
 - 2680 Nunnery Road – shed
 - 2437 State Route 174 – shoreline deck

- To Court for Codes Violations:
 - 1761 Wiles Lane
 - 1345 West Valley Road

RESOLUTION 103-2016

Abstract #10 – General & Highway Funds

On a motion by Councilor DeWitt, seconded by Councilor Venezia the following resolution was PASSED. AYES – 5 Kozub, Fesko, Venezia, DeWitt, Randall
NAYS – 0

General Fund Abstract #10 and Highway Fund Abstract #10 are approved. (Audited abstract totals will be reflected in the November 2016 Town Board meeting minutes.)

ABSTRACT #9 – SEPTEMBER 8, 2016

Audited bills for Abstract #9 were as follows:

General Fund	vouchers 262 – 293	\$ 20,728.41
Highway Fund	vouchers 106 – 119	\$ 40,649.87
SOAWD Fund	voucher 4	\$ 3,509.57

TOWN SUPERVISOR’S REPORT & STATEMENT

The Town Supervisor’s Report & Statement for September 2016 was read by Accountant Thomas Chartrand and filed. A motion to accept the Town Supervisor’s Report for September 2016 was made by Councilor Fesko, seconded by Councilor Randall. The motion PASSED. AYES – 5, NAYS – 0.

RESOLUTION 104-2016

September 2016 Bank Reconciliation

On a motion by Councilor Fesko, seconded by Councilor Venezia the following resolution was PASSED. AYES – 5 Kozub, Fesko, Venezia, DeWitt, Randall
NAYS – 0

Resolved to find a positive audit of the September 2016 bank statement as presented before the Town Board.

TOWN CLERK’S REPORT

A motion to accept the Town Clerk’s Cash Report for September 2016 was made by Councilor DeWitt, seconded by Supervisor Kozub. The motion PASSED. AYES – 5, NAYS – 0.

HIGHWAY REPORT

- The road millings from NYS DOT can be used as material for the 2017 Willow Hill Road paving project; use of the millings will save \$85,000 and enable the project to be completed in one year instead of two.
- Supt Fordock continues to seek prices for a replacement Gradeall.
- Salt and sand for the 2016-2017 season has been received.
- There was discussion with the Board of the proposed purchase of a new 1 ton heavy pick-up truck.

PROPOSED LOCAL LAW E-2016

Mr. Cortese read proposed local law E-2016 to the Board and the associated Environmental Assessment:

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c IN THE TOWN OF SPAFFORD

Be it enacted by the Town Board of the Town of Spafford as follows:

SECTION 1 LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Spafford pursuant to General Municipal Law § 3-c, and to allow the Town of Spafford to adopt a budget for the fiscal year beginning January 1, 2017, and ending December 31, 2017, that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

SECTION 2 AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Spafford Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least 60% of the Spafford Town Board.

SECTION 3 TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Spafford, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

SECTION 4 SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation or circumstance shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its

application to the person, individual, firm, or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

SHORT ENVIRONMENTAL ASSESSMENT FORM

The Town Board of the Town of Spafford is the Lead Agent for the proposed action.

BRIEF DESCRIPTION OF PROPOSED ACTION:

Enactment of a Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Spafford, County of Onondaga, pursuant to General Municipal Law § 3-c, and to allow the Town of Spafford to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? YES

IMPACT ASSESSMENT

- 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? NO
2. Will the proposed action result in a change in the use or intensity of use of land? NO
3. Will the proposed action impair the character or quality of the existing community? NO
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? NO
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? NO
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? NO
7. Will the proposed action impact existing:
a. public / private water supplies? NO
b. public / private wastewater treatment utilities? NO
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? NO
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? NO
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? NO
11. Will the proposed action create a hazard to environmental resources or human health? NO

DETERMINATION OF SIGNIFICANCE:

Based on the information and analysis above, and any supporting documentation, the proposed action will not result in any significant adverse environmental impacts.

RESOLUTION 105-2016

Proposed Town Of Spafford Local Law No. E Of The Year 2016 A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-C in the Town of Spafford

Councilor Fesko introduced proposed Local Law No. E of the year 2016, relating to the ability of the Town of Spafford to override the limit on the amount of real property taxes that may be levied by the Town of Spafford pursuant to General Municipal Law § 3-c, and to allow the Town of Spafford to adopt a Town budget for the fiscal year 2017 in excess of the "tax levy limit," and made the following motion, which was seconded by Councilor Venezia:

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Spafford, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to

the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an Unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further;

RESOLVED AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. E of the year 2016 at the Spafford Town Offices located at 1984 State Route 174, Skaneateles, New York, on November 10, 2016 at 7 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

- Councilor Chris Fesko Voted Yes
- Councilor Dave Venezia Voted Yes
- Councilor Luke Dewitt Voted Yes
- Councilor Cherry Randall Voted Yes
- Supervisor Christopher Kozub Voted Yes

The foregoing resolution was thereupon declared duly adopted.

PUBLIC HEARING – PROPOSED LOCAL LAW C-2016 *A local law to amend the Zoning Code of the Town of Spafford for the purpose of regulating the short term rental of homes.*

The Public Hearing for proposed local law C-2016 resumed was held open from the September 29, 2016 Town Board meeting and resumed at 7:24 p.m.

Mr. Cortese read a letter from Mr. George Bachar to the Board; said letter was received by the Town this day at 4:22 p.m.:

Dear Town of Spafford NY public officials,

In reference to the Town Hall Public Hearing about Temporary Rentals in Spafford c-2016 October 13 at 7 pm I am unable to attend due to private circumstances. I hereby submit my comments and wish them to be added to the record as stated comments are held open until the meeting today.

I want to be heard and would like a statement read for me - I think it can be anonymous unless required then it can be stated "George Bachar could not attend and asked this statement read on his behalf"

The following is what I would like one of you to read, if you cannot read it then please place it in your records as comments from me:

QUOTE

This statement is from an Owner who could not attend today's Public Hearing.

First - I request the hearing be held open for an extended period so I can be heard in person. While most of what is contained in the proposed local law makes sense some of the comments do not.

Absentee versus Owner occupied - should not matter. I do not use my property as a primary residence, but I am held to the same tax standards and rules as everyone and have been in Spafford almost every year for more that half a decade.

Limiting permits for short term rentals - I do not agree. If the \$100 fee and permit process are passed I want to ensure I am able to obtain the permit. Anyone who owns a rentable property and pays taxes should be allowed to participate and therefore I do not agree on any limits. Further I have not been privileged to review the reference to "Exhibit A" and want to review it and comment.

Weddings comment: I do not agree that any type of function should be restricted from rentals so long as they concur with reasonable boundaries. Why and how should any event such as a "wedding" not be allowed, it could be an intimate small wedding and your proposal already address's number of people - which I also disagree with. My property happens to be many acres - while others may have less than 1/2 an acre and you are generalizing in my opinion. Furthermore - this reference to weddings is directed at me - due to the website that was used against me for no proven facts and has long since been taken down.

Final comment: For all those in attendance today - you should know that My Family has been singled out in this process and we have also been subjected to certain individuals and neighbors who state untruths or exaggerate about what we do with our property. I have been accused of having renters disturb our neighbors, when we were at the property and there were no renters. This is all documented and will be further addressed the way we see fit. I hereby state that I and my family are being unfairly targeted in this whole process of short term rentals and we hereby firmly state that we will not tolerate the practice of being targeted by anyone. We have used and will continue to use the boundaries of the law to our full benefit against those who chose to target and harass us.

*END QUOTE
ENDS COMMENTS*

*Thank You
George E. Bachar Jr.*

There were no additional comments or questions. The Public Hearing will remain open until the November 10, 2016 Town Board meeting.

GRADEALL

Negotiations with the insurance company continue. There was a discussion of the level of need for a Gradeall and options for purchasing a replacement.

RESOLUTION 106-2016

Court Financial Audit

On a motion by Councilor Fesko, seconded by Councilor DeWitt the following resolution was
PASSED AYES – 5 Kozub, Fesko, Venezia, Dewitt, Randall
 NAYS – 0

Resolved to find a positive audit of the 2015 Court Financial records has been completed.

Town Attorney James Gascon arrived at 7:35 p.m.

BUDGET ITEMS

Supervisor Kozub asked the Board to consider the following items for discussion at the November 10, 2016 meeting:

- 2 person versus 3 person Highway crew (2 person crew would include one part-time worker working the equivalent of 4 months of full-time work).
- The equipment budget compared to repair costs.

- Options for office-wide back up of data.
- Transfer Station fees – funding the operation of the Transfer Station with user fees or taxes.

Councilor Randall read the following letter from Mr. Merrill Clark:

Spafford Town Board

Regarding the tax increase for the Town of Spafford

I retired as Highway Supt serving under three different Supervisors. Each year prices have increased in all aspects of the town and each year there was an increase in taxes to cover this.

The past couple of years we have not increased taxes but all prices to run the town have increased.

As I watch this I think to myself eventually we will have to pay for this. Now is the time we will have to play catch up and hopefully the board will learn from this and go forward each year with a modest increase.

R/S

Merrill Clark

RESOLUTION 107 - 2016

Grant Application

On a motion by Councilor Fesko, seconded by Councilor Randall the following resolution was

PASSED	AYES – 5	Kozub, Fesko, Venezia, Dewitt, Randall
	NAYS - 0	

Resolved that the Justice Court Assistance Program Grant Application prepared by Kathleen Jacques, Town Justice for the Town of Spafford is hereby approved for submission to the State of New York Unified Court System Justice Court Assistance Program.

ADJOURNMENT

A motion to adjourn the meeting at 8:10 p.m. was made by Councilor DeWitt, seconded by Councilor Venezia. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held
Thursday, November 10, 2016 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford